

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE, a minor, by and through
Her mother and next friend, MOTHER DOE,

Plaintiff,

v.

Case No.: 1:23-CV-23004

ACADEMIR CHARTER SCHOOLS, INC.,
and SUPERIOR CHARTER SCHOOL
SERVICES, INC.,

Defendants.

**DEFENDANTS' JOINT MOTION TO EXTEND DISCOVERY DEADLINE OR IN THE
ALTERNATIVE MOTION TO COMPEL PLAINTIFF'S RESPONSE TO DISCOVERY**

COMES NOW, Defendants, ACADEMIR CHARTER SCHOOLS, INC. and SUPERIOR CHARTER SCHOOL SERVICES, INC., by and through their undersigned counsel, pursuant to Rule 7.1 and 26.1 of the Local Rules of the United States District Court for the Southern District of Florida, Rule 37 of the Federal Rules of Civil Procedure hereby file this Motion for Extension of Time and respectfully request this Court enter an Order allowing an additional two-week time to comply with the discovery deadlines in this action. In the alternative, Defendants respectfully move to compel JANE DOE, a minor, by and through Her mother and next friend, MOTHER DOE (hereinafter, "Plaintiff") responses to Defendant ACADEMIR CHARTER SCHOOLS, INC. and SUPERIOR CHARTER SCHOOL SERVICES' First Request for Production and First Request for Interrogatories; and in support thereof states the following:

1. Plaintiff JANE DOE, a minor, by and through Her mother and next friend, MOTHER DOE, filed her Complaint on August 9, 2023.

2. On August 8, 2024, Defendant ACADEMIR CHARTER SCHOOLS, INC. served Plaintiff with their First Request for Production and First Set of Interrogatories (collectively, “Academir’s First Discovery Requests”). Copies of Academir’s First Discovery Requests have been included and attached hereto pursuant to Local Rule 26.1(c).

3. On the same day, Defendant SUPERIOR CHARTER SCHOOL SERVICES, INC., served Plaintiff with their First Request for Production and First Set of Interrogatories (collectively, “Superior’s First Discovery Requests”). Copies of Superior’s First Discovery Requests have been included and attached hereto pursuant to Local Rule 26.1(c).

4. Plaintiff’s counsel informed counsel for both Defendants that Plaintiff would not be providing responses to either sets of discovery requests based on the argument that the discovery deadline is August 29, 2024, and the discovery responses would be due September 9, 2024.

5. Both Defendants require the responses to their discovery requests in order to properly defend this matter.

6. The requested extension is being made in good faith and will not prejudice the parties or the Court. This request will in no way delay the other pretrial deadlines or trial date in this matter.

7. Both Defendants have attempted in good faith to resolve the issue, pursuant to Southern District of Florida Local Rule 7.1, but to no avail as Plaintiff confirmed they would not be providing responses to either sets of discovery requests.

8. Florida courts have held that the “purpose of discovery under the Federal Rules is to require the disclosure of all relevant information so that the ultimate resolution of disputed issues in any civil action may be based on a full and accurate understanding of the true facts, and therefore

embody a fair and just result.” *Gonzalez v. ETourandTravel, Inc.*, Case No. 6:13-cv-827-Orl-36TBS, 2014 WL 1250034, at *2 (M.D. Fla. Mar. 26, 2014).

9. In *ZAGG Inc. v. Ichilevici*, the Court extended the discovery deadline when the Plaintiff requested a small extension based on the Plaintiff showing good cause for the extension. *ZAGG Inc. v. Ichilevici*, Case No.: 1:23-cv-20304, 2024 WL 557899 at *4 (S.D. Fla. Jan. 30, 2024).

10. To date, Defendants have not propounded any other discovery requests other than the discovery requests sent on August 8, 2024.

11. In the event that Plaintiff does not respond to Academir’s First Discovery Requests or Superior’s First Discovery Requests, Defendants will not obtain all necessary information to have a full and accurate understanding of the true facts of the case to ensure a fair and just result. *See Gonzalez v. ETourandTravel, Inc.*, Case No. 6:13-cv-827-Orl-36TBS, 2014 WL 1250034, at *2 (M.D. Fla. Mar. 26, 2014).

12. Therefore, Defendants respectfully requests that this Honorable Court extend the discovery deadline in this case.

13. In the alternative, Defendants respectfully request that this Honor Court enter an Order compelling Plaintiff to provide responses to Academir’s First Discovery Requests and Superior’s First Discovery Requests that were served upon Plaintiff on August 8, 2024.

14. Defendants make this request to ensure that Defendants are provided with all necessary information to have a full understanding of the facts of the case to ensure a fair and just result. *See Gonzalez v. ETourandTravel, Inc.*, Case No. 6:13-cv-827-Orl-36TBS, 2014 WL 1250034, at *2 (M.D. Fla. Mar. 26, 2014).

15. Defendants have cooperated with Plaintiff in responding to various discovery requests. Additionally, Plaintiff has taken the depositions of seven (7) defense witnesses to date

and has three (3) additional depositions which have been scheduled to occur in the next month. Therefore, in the spirit of fairness, Defendants respectfully request that the Court enter an order compelling Plaintiff to provide responses to Academir's First Discovery Requests and Superior's First Discovery Requests that were served to Plaintiff on August 8, 2024.

WHEREFORE, Defendants, ACADEMIR CHARTER SCHOOLS, INC. and SUPERIOR CHARTER SCHOOL SERVICES, INC. respectfully requests this Court enter an Order allowing an additional two-week time to comply with the discovery deadlines or in the alternative, that this Court enter an Order requiring the Plaintiff to provide responses to Defendants discovery requests within thirty (30) days and for any other relief this Court deems just and proper.

Dated: August 13, 2024

Respectfully Submitted,

KELLEY KRONENBERG

/s/ Julie B. Karron

JULIE B. KARRON, ESQ.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed through the CM/ECF Portal, which furnished same via electronic mail delivery on August 13th 2024, to Kyle T. MacDonald, Esq., Derek Smith Law Group, PLLC, 701 Brickell Avenue, Suite 1310, Miami, FL 33131, at kyle@dereksmithlaw.com (Attorneys for Plaintiff) and Scott Yount, Esq. and Julie McHaffie, Esq., Garrison, Yount, Forte & Mulcahy, LLC, 601 Bayshore Blvd., Suite 800, Tampa, FL 33606 at syount@garrisonyount.com ; jmchaffie@garrisonyount.com (Attorneys for Superior Charter School Services, Inc.)

/s/ Julie B. Karron

Florida Bar. No.: 14683